

REMARKS

Entry of this amendment is respectfully requested.

It is noted that in the Office Action of July 6, 2009, the Examiner did not consider the claims of the Supplemental Amendment filed May 26, 2009. Nonetheless, Applicants respond to the office action based on the new claims submitted with that document (copy attached). The undersigned has reviewed PAIR and has determined that the apparent discrepancy in claim numbering has occurred because the claims from the Supplemental Amendment filed on May 26, 2009 do not appear to have been made of record. The facsimile confirmation sheet of the filing of that Supplemental Amendment is also attached for the Examiner's review. Should the Examiner have any questions, she is invited to contact the undersigned at the telephone number provided below.

It is not believed that the 35 U.S. C. §112, second paragraph, rejections apply to the present claims.

Claims 41-61 were rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Gehmecker. Applicants respectfully traverse.

The Examiner alleges that Gehmecker discloses "partially aluminized" metal surfaces, but Gehmecker does not disclose that a metallic surface comprising at least 5% by weight of at least one of aluminum or an aluminum alloy as claimed, can be processed. Thus, a prima facie case of obviousness has not been established.

Also, the Examiner discloses that by coating with the specific formulations on aluminum one can avoid the formation of Al-F complexes on the aluminum surfaces having the claimed aluminum or aluminum alloy content.

Additionally, Gehmecker does not specifically teach that one can perform the claimed process without a precipitation tank due to the use of a zinc phosphating solution of the particular components as described. Aluminum is mentioned in the cited reference as noted by the Examiner, but nowhere is the presently claimed process disclosed nor the bath used in the process having the presently claimed acidity, sodium and potassium content, and free acid content. The Examiner apparently assumes that the negative limitation is disclosed, but there is nothing in the reference that suggests this because the examples of the reference are performed with steel, and not aluminum or an aluminum alloy, so no Al-F complex would be formed, as

applying an aqueous, acidic solution comprising dissolved contents to a metallic surface, said metallic surface comprising at least 5% by weight of at least one of aluminum or an aluminum alloy, wherein the dissolved contents in the phosphating solution consist essentially of:

having a combined sodium and potassium content in the range of 0.3 to 1.8 g/L as sodium, the potassium content being converted to sodium on a molar basis;

zinc in a concentration range of 0.2 to 4 g/L;

phosphate in a concentration range of 4 to 65 g/L, calculated as PO_4 ;

free fluoride in a concentration range of 0.03 to 0.5 g/L;

total fluoride in the concentration range of 0.1 to 5 g/L;

wherein a zinc-containing phosphate film is deposited on the metallic surfaces and has a coating weight in the range of 0.5 to 10 g/m², whereby the value of the free acid KCl is kept in the range of 1.6 to 2.8 points, wherein the process is conducted without a precipitation tank, whereby precipitation products from an Al-F complex are scarcely deposited on the surfaces of the sheets so that there is no significant deterioration of the corrosion resistance by the precipitation products, wherein a total content of alkali metal ions, including the combined sodium and potassium content, ranges from 0.3 to 1.8 g/L.

86. (new) The process of claim 62, wherein the Al-F complex is cryolite.

87. (new) The process of claim 81, wherein the Al-F complex is cryolite.

87. (new) The process of claim 85, wherein the Al-F complex is cryolite.